

REMARKS

Applicants have amended claims 1 to 6, and 10, and have added new claims 11 to 15. Accordingly, upon entry of this amendment claims 1 to 15 are pending in this patent application. Applicants now address each and every point raised in the above-identified Office action as follows:

Claims 1 to 10 have been rejected based on the judicially created doctrine of obviousness-type double patenting allegedly over claims 1 to 11 and 39 of U.S. Patent No. 6,615,935 ('935 patent). Applicants have amended independent claims 1, 6 and 10 to more clearly set forth the subject matter of the invention recited therein. Specifically, the invention relates to a cutting element implant or end portion that is substantially solid and that is attached to a cutting element base portion to provide both a tip and a remaining portion of the cutting element. Accordingly, the resulting cutting element comprises a two-piece construction of a base formed from steel and a solid implant disposed on the base formed from a wear resistant material that forms the remaining portion of the cutting element.

The claims of the '935 patent fails to recite a cutting element having similar features. Rather, independent claim 1 of the '935 patent discloses the concept of a wear resistant surface disposed onto a portion of the drill bit cone. Independent claims 11 and 39 of the '935 patent both also fail to disclose the concept of a solid end piece that is attached onto a steel cutting base and that is formed from a wear resistant material.

For these reasons, Applicants submit that the subject matter as recited in amended independent claims 1, 6 and 10 (as well as in new claims 11 to 15) are not obvious in view of the claims of the '935 patent, and respectfully requests that the rejection of these claims based on the

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judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn, and that claims 1 to 15 be passed to allowance.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

If any additional fees are necessary in this matter, please charge our Deposit Account No. 10-0440.

Respectfully submitted,

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